

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	DeSimone <i>et al.</i>	Confirmation No.:	8879
Appl No.:	10/583,570	Group Art Unit:	1615
Filed:	3/5/07	Examiner:	Worsham
For:	METHODS FOR FABRICATING ISOLATED MICRO- AND NANO-STRUCTURES USING SOFT OR IMPRINT LITHOGRAPHY		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO THIRD RESTRICTION REQUIREMENT

Applicants sincerely thank Examiner Worsham for discussing this case with the undersigned attorney. This is the third Restriction Requirement that Applicants have received in this case before any examination on the merits. In the present Restriction, the restrictions made by the previous Examiner were vacated. Applicants note that according to MPEP § 706.04, “In general, an examiner should not take an entirely new approach or attempt to reorient the point of view of a previous examiner...” (Emphasis added). However, after the undersigned attorney discussed the examination of this case with Examiner Worsham, Applicants again submit elections in good faith to comply with the latest Restriction and to move the case along to issuance. The following elections are made without traverse.

I. Elections

The Examiner has required restriction between Groups I, II, III, IV, V, VI, VII, VIII and IX. Applicants hereby elect to prosecute the claims of Group I (namely Claims 1-23, 25-48 and 54-56) and expressly reserve the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

The Examiner has also required an election of species. According to the MPEP, the species elected is where searching will begin, and the searching will be expanded to additional species or a genus until art is found. Applicants hereby provisionally elect the following species:

(1) With regard to a Patterned Template or Substrate, Applicants elect a perfluoropolyether. All of the elected claims read on the species.

(2) With regard to a Substrate as recited in claim 16, Applicants elect a polymer material. All of the elected claims read on the species.

(3) With regard to a Master Template, Applicants elect (a) a template formed from a lithography process. All of the elected claims read on the species.

(4) With regard to a Surface Modification Treatment, Applicants elect (b) chemical. All of the elected claims read on the species.

(5) With regard to a Liquid Material, Applicants elect (a) drug. All of the elected claims read on the species.

(6) With regard to a Harvesting Collection Process, Applicants elect a dissolution process. All of the elected claims read on the species.

II. Conclusion

Applicants believe that the elections set forth herein are fully responsive to the Restriction.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/bryan l. skelton/

Bryan L. Skelton
Registration No. 50,893

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Research Triangle Area Office (919) 862-2200
Fax Research Triangle Area Office (919) 862-2260

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